

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

West Bend Mutual Insurance Company, Plaintiff, v. Travelers Property Casualty Company of America, Defendant.	Case No.: 20-cv-1600 NOTICE OF REMOVAL
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Defendant Travelers Property Casualty Company of America (Travelers), through counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, respectfully submits this notice of removal of the above-captioned action to the United States District Court, Eastern District of Wisconsin. In support of its notice of removal of this action from Washington County Circuit Court, Wisconsin, Travelers states the following:

1. On September 21, 2020, Travelers was personally served a copy of the summons and complaint in an action entitled *West Bend Mutual Insurance Company v. Travelers Property Casualty Company of America C/O Corporation Service Company*. A true and correct copy of the summons and complaint is attached as Exhibit A.

2. This notice of removal is being filed less than thirty days after Travelers received a copy of the summons and complaint and is therefore timely under 28 U.S.C. § 1446(b).

3. This Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1332(a). The action may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446 in that:

a. In its complaint, plaintiff West Bend Mutual Insurance Company (West Bend) alleges that it is a Wisconsin mutual insurance company, i.e., formed under the laws

of Wisconsin, with its principal place of business in West Bend, Wisconsin. (Compl., ¶ 1). West Bend is therefore a citizen of Wisconsin for purposes of diversity of citizenship. *See* 28 U.S.C. § 1332(c)(1).

b. Travelers is a Connecticut corporation and has its principal place of business in Hartford, Connecticut. Travelers is therefore a citizen of Connecticut for purposes of diversity of citizenship. *See id.*

c. In its complaint, West Bend alleges that Travelers is contractually obligated to provide defense and indemnification to Mr. Robert Pohl and Dakota Supply Group, Inc. (DSG) in connection with a personal injury lawsuit currently pending in Minnesota state district court, captioned *John Joseph Williams v. Robert Allen Pohl and Dakota Supply Group, Inc., f/k/a Pipeline Supply, Inc.*, No. 27-cv-18-4127, District Court of County of Hennepin, Minnesota (the Minnesota action). Specifically, West Bend seeks a judgment against Travelers for half of the costs of defending and indemnifying Mr. Pohl and DSG in the Minnesota action, as well as an award of West Bend's attorneys' fees and costs incurred in the instant action. Travelers understands that the plaintiff in the Minnesota action has submitted a formal demand to defendants Pohl and DSG of \$2.1 million. Accordingly, West Bend's action against Travelers involves an amount in controversy that exceeds \$75,000 exclusive of interest and costs. *See* 28 U.S.C. §§ 1332(a), 1446(c)(2)(A).

4. Pursuant to 28 U.S.C. § 1441(a), removal to the United States District Court, Eastern District of Wisconsin is proper because the Eastern District embraces Washington County, where the action is pending.

5. Exhibit A (summons and complaint) comprises the only process, pleadings, or other orders that have been provided to Travelers in this action.

6. Pursuant to 28 U.S.C. § 1446(d), written notice of this case together with a copy of this notice of removal and its Exhibit A shall be filed with the Washington County Circuit Court and shall be concurrently served upon West Bend.

7. By filing this Notice of Removal, Travelers does not waive any of its affirmative defenses, including but not limited to its right to move to dismiss for lack of personal jurisdiction, improper process, improper service of process, improper venue, failure to state a claim upon which relief can be granted, or failure to join all necessary parties.

8. Travelers reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Travelers requests that this action be removed from the Washington County Circuit Court for the State of Wisconsin to the United States District Court, Eastern District of Wisconsin and requests that this Court assume full jurisdiction over the case herein as provided by law.

Dated: October 21, 2020

s/Leatha G. Wolter

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